

## **CHF Project Eligibility and Limitations**

*A. Eligibility-* Projects that are nominated for FY 2004 must have completed an initial site investigation (either a remedial or removal preliminary assessment and site inspection). CHF funds are primarily to be used for clean-up work, but studies, such as remedial investigations, engineering evaluations/cost assessments, and other post-site inspection studies have been funded in the past. Preliminary assessments and site inspections should be funded through the 1640 subactivity. Individual small-scale removal actions of hazardous materials are not eligible for CHF funding and should be funded through subactivity 1640.

Clean-up of projects receiving CHF funding must be accomplished using BLM's CERCLA authorities. Interim actions may be eligible if they are the most effective means to clean up the conditions at the site. All clean-up actions must be consistent with the National Contingency Plan.

Sites that are to be submitted for CHF funding should have a release of hazardous substances or a threat of release of hazardous substances. Types of sites that should be submitted include:

Landfills

Spills

Illegal Dumps, including wire burn sites

Mines/Mineral processing mills

Lumber Mills/Wood Treaters

Pesticide Formulators/Distributors

Industrial facilities, such as refineries, metal plating, power production, TNT manufacturing, inorganic/organic chemical plants, etc.

Recyclers, such as auto fluff, battery breakers, metal recovery, etc.

Petroleum not subject to CERCLA exclusion, i.e., petroleum that has added hazardous substances such as waste oil

Facilities previously operated by other federal agencies on BLM land, including radioactive waste, chemical or biological weapons.

In addition to clean-up and post-site investigation studies, CHF funding may be used for BLM oversight costs. Oversight costs can include paying the salary of BLM's project manager or retaining the services of a BLM project manager through temporary hires, interagency agreements, or contract. As CHF funding is limited to the life of the project, new permanent full-time BLM employees should not be hired using CHF funds. Funding may also be requested and used for BLM employees and contractors who are performing oversight of cleanup activities performed by Potentially Responsible Parties (PRPs).

*B. Investigation of PRPs* - Sites receiving CHF funding must investigate the possibility of PRPs associated with the site. CHF funding may be used to prepare a baseline PRP Report and Cost Recovery Plan. The CHF is meant to be a revolving fund. If costs are recovered from PRPs, the recovered dollars must be returned to the CHF to fund further clean-up actions. Existence of viable PRPs at a site is not necessary to obtain CHF funding. When no viable PRPs are thought to exist at a site, CHF funds may be requested and used for cleanup of the site without expectation from the Department that these funds will be recovered. However, a Cost Recovery Plan still needs to be prepared that documents the lack of viable PRPs at a site. The Solicitor's Office will need to be consulted for concurrence on the Cost Recovery Plan and the lack of viable PRPs.

If viable PRPs are identified through a baseline PRP search, State Offices must consider in consultation with the Solicitor's Office a CERCLA Agreement or Order that would allow or require the PRPs to undertake the studies and cleanup of a site.

*C. Assistance to Field Office* - Assistance with preparation and review of project nominations is available from Andrea McLaughlin in the Washington Office (202-452-7717). Kris Doebller, Washington Office, also is available to assist with development of project nominations (303-236-3350). The National Science and Technology Center (NSTC) also is available to advise and review project nominations. All project nominations must follow the format provided in the attached Environmental Compliance Memorandum No. ECM99-02.